

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:13CR46
)	
v.)	
)	
TOMAS BARRIOS-SAMANIEGO,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on the motion to suppress by defendant Tomas Barrios-Samaniego (Barrios-Samaniego) (Filing No. 21). The government has filed a response under restriction (Filing No. 24) suggesting no evidentiary hearing is necessary because the government does not intend to use the statements obtained by law enforcement which are the subject of Barrios-Samaniego's motion to suppress. Counsel for Barrios-Samaniego shall respond to the government's position regarding the necessity of an evidentiary hearing and to include whether or not Barrios-Samaniego seeks to suppress any identification of Barrios-Samaniego which the government does intend to use at time of trial. Barrios-Samaniego shall file his response on or before April 2, 2013.

IT IS SO ORDERED.

DATED this 26th day of March, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge